

Congress of the United States

Washington, DC 20515

Even Heroes Need Help

Co-sponsor the David Jayne Medicare Homebound Modernization Act

June 3, 2003

Dear Colleague:

We have introduced H.R. 1874, the David Jayne Medicare Homebound Reform Act. The purpose of this bi-partisan legislation is to reform a provision in the Medicare statute in a way that significantly improves the quality of life of severely and permanently disabled Medicare beneficiaries who receive health services in their homes due to serious, debilitating medical conditions such as Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's Disease, and advanced stage Alzheimer's Disease. Such severe, chronic conditions make departures outside the home extremely difficult.

H.R. 1874 is supported by former Senator Bob Dole, honorary chairman of the National Coalition to Amend the Homebound Restriction, and Members of Congress from both parties. The Coalition is a non-profit organization created by David Jayne, a courageous man from Georgia who continues to battle ALS.

Our legislation is needed to eliminate an unintended consequence of Medicare's outdated homebound definition, which has effectively imprisoned chronically disabled Medicare patients in their homes. Under current Medicare law, home health care beneficiaries can lose their benefits if their absences from the home are more than "infrequent" or "of short duration." The only exceptions are for trips to the doctor, adult day care or religious services. This means a patient with late-stage Alzheimer's Disease whose spouse takes her to the supermarket or sits with her by the beach could have her Medicare home health benefits terminated for violating Medicare's homebound restrictions.

Medicare restricts the length, frequency and purpose of trips outside the home to prevent fraud – homebound patients receiving nursing services in the home should be genuinely "confined to the home." This restriction may prevent individuals with short-term disabilities from gaming the system. However, Medicare patients with long-term, irreversible conditions such as Lou Gehrig's Disease, Parkinson's Disease or late-stage Alzheimer's Disease also are subject to these same restrictions, even though their illnesses prevent them from ever being able to care for themselves without the services provided by Medicare's home health program.

Our commonsense legislation simply lifts restrictions on departures from the home for Medicare patients with chronic, severe conditions who:

- Have a medical diagnosis that a physician has certified is permanent, severe and will not improve; and
- Require assistance to perform at least 3 out of 5 activities of daily living, such as eating, dressing and bathing, for the rest of their lives; and

- Require 1 or more home health services to achieve a functional condition that enables the patient the ability to leave home, such as occupational therapy or physical therapy; and
- Require technological assistance or the assistance of another person to leave the home

We encourage you to join members of both parties in co-sponsoring H.R. 1874. If you have questions or would like to co-sponsor this important legislation, please have a member of your staff contact Mark Bayer with Rep. Markey's office (5-2836) or Nick Manetto with Rep. Smith's office (5-3765).

Sincerely,

Edward J. Markey

Christopher H. Smith

John D. Dingell

Charlie Norwood